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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,693	02/13/2001	Shigeru Sugaya	7217/63766	4971

7590 07/02/2004

Jay H. Maioli  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER

KHUONG, LEE T

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/782,693	<b>Applicant(s)</b> SUGAYA ET AL.	
	<b>Examiner</b> Lee Khuong	<b>Art Unit</b> 2665	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>24 July 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

Figure(s) 16, 17, and 18 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 6, 9 – 11, and 13 are rejected under 35 U.S.C 102(e) as being anticipated by Watanabe, (6,084,888) et al, hereinafter referred as Watanabe.

Art Unit: 2665

**Regarding claim 1,**

Watanabe teaches a wireless transmitting method comprising the steps of building a monopayload packet having one of predetermined information units of the information as a data payload (see figure 1, figure 11, col. 4, lines 11 – 15, **a frame has a single packet**), constituting a multipayload packet having a plurality of predetermined information units of the information as a data payload (see figure 3, col. 4, lines 53 – 67 and col. 5, lines 1 – 9, **a combined packet with multiple payloads having redundant headers information eliminated to optimize available bandwidth resource**), and carrying out the asynchronous transmission by wireless packet obtained by combining the monopayload packet with the multipayload packet depending on a length of the information to be asynchronously transmitted by wireless (see figure 3, col. 4, lines 53 – 67 and col. 5, lines 1 – 9, **a frame with multiple packets with redundant headers information eliminated to optimize available bandwidth resource**).

**Regarding claim 2,**

Watanabe teaches the wireless transmitting method according to claim 1, further comprising the step of adding a predetermined preamble to form a wireless packet to each packet of the monopayload packet to form a wireless packet or to the multipayload packet to form a wireless packet (see col. 5, lines 13 – 16, **add a preamble to a frame**).

**Regarding claim 3,**

Watanabe teaches the wireless transmitting method according to claim 1, further comprising the steps adding common header information to the monopayload packet and the multipayload packet (see col. 5, lines 6 – 9, ***compiling headers of cells with no redundancy information***) and decoding the header information to make a state of succeeding data payload packets decidable by a communicating station of destination (see col. 5, lines 17 – 22, ***the transmitted frame established frame synchronism and the header information is decoded for FEC to perform error correction***).

**Regarding claim 4,**

Watanabe teaches the wireless transmitting method according to claim 1, further comprising the step of describing a number of predetermined information units included in the multipayload packet as common header information in the multipayload packet so that the number of continuous information units is specified (see col. 6, lines 6 – 9, ***positions of cells***).

**Regarding claim 5,**

Watanabe teaches the wireless transmitting method according to claim 1, further comprising the step of adding a sequence number to the monopayload packet and obtaining the multipayload packet by adding the number for each increase in the information unit included in the packet (see col. 6, lines 6 – 9, ***sequence number includes in each packet***).

**Regarding claim 6,**

Watanabe teaches the wireless transmitting method according to claim 1, further comprising the steps of adding an error detection code or an error correction code to the monopayload packet and the multipayload packet by said information unit for transmission (see col. 5., lines 10 – 14, **adding FEC to the header part and the payload part**), whereby retransmission is required for each information unit having an error.

**Regarding claim 9,**

Watanabe teaches a wireless transmitter for forming a wireless network to carry out asynchronous transmission of information by using plurality of communicating devices, the transmitter comprising dividing means for dividing asynchronous information to be transmitted by wireless into corresponding information units (see figure 3, col. 5, lines 3 – 10), monopayload packet building means for building a monopayload packet having one predetermined information units as a data payload (see figure 3, part 713, col. 5, lines 3 – 10), multipayload packet building means for building a multipayload packet having a plurality of predetermined information units as a data payload (see figure 3, part 713, col. 5, lines 3 – 10), header adding means for adding header information describing a type of payload packet to the monopayload packet and to the multipayload packet, (see figure 3, part 711, 712, 713, col. 5, lines 1 – 10) and wireless packet building means for building a wireless packet by combining the

monopayload packet with the multipayload packet depending on a length of the asynchronous information to be transmitted by wireless, whereby the asynchronous transmission is carried out by the wireless packet (see figure 3, col. 4, lines 53 – 67 and col. 5, lines 1 – 9).

**Regarding claim 10,**

The wireless transmitter according to claim 9, further comprising preamble adding means for adding a predetermined preamble to the monopayload packet and multipayload packet (see figure 3, part 715), and access control means for carrying out wireless transmission control using the preamble information by an access control signal sent from a control station (see col. 4, lines 11 – 13 and col. 3, lines 46 – 54), whereby the wireless packet is transmitted by wireless using the access control means (see figure 1, col. 3, lines 46 – 54).

**Regarding claim 11,**

Watanabe teaches the wireless transmitter according to claim 9, further comprising receiving means for receiving an access control signal sent from a control device of the wireless network (see figure 3, part 705, col. 5, lines 17 – 19), access control signal decoding means for decoding the access control signal (see figure 3, part 721, col. 5, lines 19 – 20), and deciding means for deciding that the relevant access control signal is for its own station, whereby the wireless transmission of the wireless packet is started using the deciding means (see col. 5, lines 43 – 62).



**Regarding claim 13,**

Watanabe teaches a wireless transmitter for forming a wireless network to carry out asynchronous transmission of information by using a plurality of communicating devices, the transmitter comprising header building means for building header information based on an access control signal sent from a control station for carrying out wireless transmission control by the access control signal (see col. 7, lines 4 – 8 and col. 8, lines 38 - 43), access control packet building means for adding a predetermined preamble to the head information to build an access control packet (see col. 7., lines 4 – 5 and lines 11 – 12), and carrier detecting means for detecting information transmitted on a wireless transmission path (see col. 5, lines 6 – 10), whereby the access control packet is transmitted depending on a state of the wireless transmission path (see col. 5, lines 6 – 10).

Claims 7, 8 and 12 are rejected under 35 U.S.C 102(e) as being anticipated by Sugita, (6,430,158).

**Regarding claim 7,**

Sugita teaches a wireless transmitting method for carrying out information transmission between a plurality of communication stations, the method comprising the steps of carrying out wireless transmission control by an access control signal sent from a control station (see figure 5C, col. 7, lines 4 – 8, ***a frame with test signal is being sent to decide the receptive conditions based on data of the received-power***), and

transmitting said access control signal utilizing a wireless packet with only common header information and having no data payload portion (see col. 7, lines 4 – 8 and col. 8, lines 38 - 43, ***test signal is being sent in the managing region which is also the head portion of a frame***).

**Regarding claim 8,**

Sugita teaches the wireless transmitting method according to claim 1, further comprising the step of adding in that a predetermined preamble to each packet to form a wireless packet (see figure 5B, col. 7., lines 4 – 5 and lines 11 –12, ***a frame synchronizing signal***) and the wireless transmission is carried out utilizing the packet (see col. 8, lines 38 – 43, ***sending test signal without data portion***).

**Regarding claim 12,**

Sugita teaches a wireless transmitter for forming a wireless network to carry out asynchronous transmission of information by using a plurality of communicating devices, the transmitter comprising receiving means for receiving a predetermined preamble (see figure 2, part 26, col. 5, lines 52 – 55), header decoding means for decoding header information added to the predetermined preamble (see figure 2, part 26d, col. 5., lines 59 – 61), header analyzing means for deciding whether there is succeeding payload portions after the header information and for deciding a type of payload based on the header information (see figure 2, part 26d, col. 5, lines 64 – 66),

and payload decoding means for decoding the payload portion as asynchronous information (see col. 6, lines 56 – 67 and col. 7 lines 1 - 3).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujimori, (6,243,395) et al, discloses a method and system to transfer ATM cells via 1394 serial data bus.

Petersen, (5,802,051) et al, discloses a method and system that multiplex voice and data in ATM minicells.

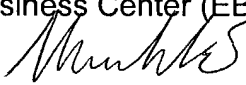
Sugita, (6,545,999) et al, discloses a method and system that transmit signal for state changes between a communicating station and a control station.


Sugita, (6,542,495) et al, discloses a method and system that transmit control signal between a communicating station and a control station to control access right of the communicating station corresponding to a priority level assigned to the communicating station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Khuong whose telephone number is 703-305-4899. The examiner can normally be reached on 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lee T. Khuong  
Examiner  
Art Unit 2665

  
RICKY NGO  
PRIMARY EXAMINER